



A Guide to Smoking in Public Places

Understanding Topeka's Clean Indoor Air Ordinance

The new regulations go into effect **Friday, December 4, 2009.**



Purpose

The purpose of Topeka's new Clean Indoor Air Ordinance is to improve and protect the public's health by eliminating smoking in public places and places of employment; protect the right of nonsmokers to breathe smoke-free air; and recognize that the need to breathe smoke-free air shall have priority over the choice to smoke.



Smoke-free workplaces and places open to the public

Enclosed places that are to be smoke-free include:

- Workplaces.
- Restaurants.
- Bars, taverns, private clubs, fraternal organizations.
- All health care facilities.
- Outside within 10 feet of the main entrance or air handling unit of a public place.
- All public transportation - buses, taxis, airport, train depot.
- Retail and retail services stores, galleries, libraries and museums.
- Sports arenas, places of recreation or sport: bowling, bingo, billiards, etc.
- Theaters, places of entertainment, convention halls.
- 80% of rooms in hotels and motels.



Areas where smoking is allowed

The following areas do not have smoking restrictions under this ordinance:

- Private residences, except when used as a childcare, adult day care or health care facility.
- No more than 20% of hotel or motel rooms.
- Retail tobacco stores with at least 65% of revenue from sale of tobacco products.
- Outdoor places of employment.
- Restaurant patios, outdoor dining areas and courtyards (distance and enclosure rules apply)
- Private places. Private place means any enclosed area to which the public is not invited or in which the public is not permitted, including but not limited to, personal residences or personal motor vehicles. A privately owned business, open to the public, is not a "private place."



How to report a smoking violation

Topeka's Police Department is responsible for enforcing the provisions of this ordinance within the city limits. If a patron wants to report a smoker, then the patron should first tell management of their concern and let management address the issue. If management doesn't respond, then the Topeka Police Department should be called at 368-9551.



Penalties for smokers violating the smoke-free ordinance provisions

- \$50 fine for first violation for someone smoking in a non-smoking area.
- \$100 fine for second violation within a continuous 12-month period of the first violation.
- \$200 fine for third or subsequent violation within a continuous 12-month period of two previous violations.

